

ORIGINAL

BEFORE THE

## Federal Communications Commission

RECEIVED

WASHINGTON, D.C.

APR 30 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	RM-8127
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 92-290
of the Commission's Rules	)	
Table of Allotments	)	
FM Broadcast Stations	)	
(Colfax and Fairbury Illinois)	)	

To: Chief, Allocations Branch,  
Policy and Rules Division  
Mass Media Bureau

PETITION FOR RESOLUTION OF RULEMAKING

Livingston County Broadcasters, Inc. ("Livingston"), by its attorneys, hereby respectfully petitions for resolution of the captioned rulemaking proceeding. Specifically, Livingston requests the Commission to allot Channel 229A at Colfax and Channel 225A at Fairbury, Illinois, at a designated reference point.

1. On October 26, 1992, Livingston filed a petition for rulemaking to allot Channel 229A to Colfax. On December 14, 1992, the Commission released a Notice of Proposed Rulemaking in MM Docket 92-290, DA 92-1598, requesting comments on Livingston's proposal. In response to the Commission's Notice, McLean County Broadcasters, Inc. and DMR Media, Inc. each submitted counterproposals proposing the allocation of Channel 229A to Fairbury in lieu of Colfax.

No. of Copies rec'd  
List A B C D E

014

2. As indicated in the attached Declaration of Lane Lindstrom, Chief Engineer of Livingston, if the Commission allots Channel 225A to Fairbury at geographical coordinates 40 44' 42" Latitude and 88 43' 00" Longitude, Channel 229A can be allotted to Colfax. A station operating from these coordinates would place a city-grade signal over all of the community of Fairbury. This proposal would thus enable both communities to receive a first local transmission service. Accordingly, Livingston hereby requests that the Commission allot Channel 229A to Colfax and Channel 225A to Fairbury.

3. Adoption of Livingston's proposal will resolve this proceeding and will conserve Commission resources from having to contend with further pleadings in this proceeding.<sup>1/</sup> Moreover, this proposal will serve the public interest by providing a first local service to two communities instead of one. See, e.g., Williston and Micanopy, Florida, 50 R.R.2d 1425 (B'cast Bur. 1982). Accordingly, Livingston requests that the Commission act expeditiously to grant the channel allotments.

4. Upon grant of this proposal, Livingston intends to promptly file an application to construct and operate a new station at Colfax, Illinois.

---

<sup>1/</sup> It is proper to accept a suggestion, filed after the close of the comment period, to substitute an alternate channel to resolve a conflict between two mutually exclusive proposals. Pinewood, South Carolina, 5 FCC Rcd 7609 (1990).

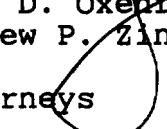
WHEREFORE, Livingston respectfully requests that the Commission allot Channel 229A at Colfax and Channel 225A at Fairbury at the specified reference point.

Respectfully submitted,

LIVINGSTON COUNTY  
BROADCASTERS, INC.

By: 

David D. Oxenford  
Matthew P. Zinn

Its Attorneys 

FISHER, WAYLAND, COOPER  
AND LEADER  
1255 23rd Street, N.W.  
Suite 800  
Washington, D.C. 20037-1170  
(202) 659-3494

Date: April 30, 1993

DECLARATION

I, Lane Lindstrom, Chief Engineer of Livingston County Broadcasters, Inc., hereby declare under penalty of perjury that:

1) The attached pages of a report from Dataworld demonstrate that Channel 225A can be allotted at geographical coordinates 40-44-42 Latitude, 88-43-00 Longitude. I have reviewed the coverage area that a station on that channel would have. The city-grade signal of such a station would encompass all of the community of Fairbury, Illinois. Thus, this channel could be used to serve that community, allowing Channel 299A to be allotted to Colfax, Illinois.

2) The foregoing is true and correct to the best of my knowledge and belief.

  
Lane Lindstrom

Dated: 4-30-93

LIVINGSTON COUNTY BROADCASTERS, INC.  
PONTIAC, IL

Page 0  
March 25, 1993

FM Spacing Study

This product is provided by DW, Inc. dba DATAWORLD,  
solely for the standard business uses of  
LIVINGSTON COUNTY BROADCASTERS, INC.  
and is not to be duplicated for other purposes or provided  
to others without written permission of DW, Inc.

ALL RIGHTS RESERVED

Copyright (c) 1993, DW, Inc.

Disclaimer: DW, Inc. assumes no liability for any errors or omissions  
in the information hereby provided, and shall not be liable for any  
injuries or damages (including consequential) which might result from  
use of the said information.

Job title: CLASS A IN CHENOA RERUN

Channel 225A

FM Translators included.

Coordinates: 40-44-42 88-43-00

Safety zone: 45 km ( 27 miles).

## LIVINGSTON COUNTY BROADCASTERS, INC.

Page 1

PONTIAC, IL

March 25, 1993

## FM Spacing study

Title: CLASS A IN CHENOA RERUN  
 Channel 225A ( 92.9 MHz)  
 Database: DW 03/17/93

Latitude: 40-44-42  
 Longitude: 88-43-00  
 Safety zone: 45 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)

WBGE	CP	B&G BROADCASTING, LP	222A	6	40-41-57	266.4	74.90	31
PEORIA		IL BMPH-920219IT	92.3	45	89-36-04	85.8	43.90	CLEAR
CP Granted 07/21/92 per FCC release #21431 dated 07/28/92; Application for License (BLH-921231KC) accepted per FCC release #15438 dated 01/13/93; ANTENNA MAKE: BROADCAST ELECTRONICS; Call Granted 10/17/90 per FCC release #145 dated 10/19/90; Ant: BEMP-4E-HW								

WKIO	CP	TAK COMMUNICATIONS, INC.	223B1	20DA	40-06-42	150.1	81.11	48
URBANA		IL BPH-891030IC	92.5	112	88-14-26	330.4	33.11	CLEAR
CP Granted 03/23/90 per FCC release #20819 dated 03/29/90; ORDERED FROM 280A; Debtor in possession								

WBWN	LIC	MCLEAN COUNTY BROADCAST	224A	3	40-24-35	187.4	37.54	72
LE ROY		IL BLH-790904AC	92.7	91	88-46-26	7.4	-34.5	SHORT
Deletion proposed; ORDERED TO 281B1; Was WRXZ 12/21/92 per FCC release #197 dated 12/18/92; Affiliated with WBCI(AM)								

WLRT	LIC	SSB CORPORATION	224A	3	41-07-22	58.5	81.07	72
KANKAKEE		IL BLH-861007KB	92.7	100	87-53-35	239.0	9.065	CLOSE
Was WMHG 05/07/86; Affiliated with WKAN(AM)								

WTJY	CP	USA RADIO PARTNERSHIP	224B1	11.5	39-38-38	209.2	139.9	96
TAYLORVILLE		IL BPH-920929IC	92.7	147	89-30-51	28.7	43.86	CLEAR
DOC-90-510; RM-7491; CP Granted 01/27/93 per FCC release #21563 dated 02/04/93; ORDERED FROM 224A; Affiliated with WTIM(AM)								

ALLOC			225A		40-06-47	119.2	142.0	115
VEEDERSBURG		IN DOC-89-561	92.9		87-15-45	300.2	26.96	CLEAR
Granted effective 11/16/90, adopted 09/19/90, released 10/02/90; Filing window 11/17-12/17/90 **CLOSED**								

KATF	CP	WOODWARD COMMUNICATIONS,	225C	100	42-31-42	322.1	253.6	226
DUBUQUE		IA BPH-870227IL	92.9	305	90-37-01	140.8	27.57	CLEAR
CP Granted 10/20/87; CP IS FORFEITED & CANCELLED 1/14/91; Affiliated with KDTH (AM)								

WYDS	CP	WYDS, INC.	226A	6DA	39-47-09	192.4	109.0	72
DECATUR		IL BMPH-920428IC	93.1	100	88-59-28	12.2	37.03	CLEAR
CP Granted 07/02/92 per FCC release #21417 dated 07/09/92; Application for License (BLH-930108KA) accepted per FCC release #15443 dated 01/19/93; Call Granted 02/01/91 per FCC release #151 dated 02/01/91; DA: Shiveley 6810-4R-DA @ 0 deg								

WXRT	LIC	WSBC BROADCASTING COMPAN	226B	6.70DA	41-53-55	35.1	157.5	113
CHICAGO		IL BLH-810930AF	93.1	399	87-37-23	215.8	44.48	CLEAR
Affiliated with WSBC(AM)								

## Page 2

March 25, 1993

Title: CLASS A IN CHENOA RERUN  
Channel 225A ( 92.9 MHz )

Latitude: 40-44-42  
Longitude: 88-43-00

Call City of License	Auth Licensee name	St FCC File no.	Chan Freq	ERP-kw EAH-m	Latitude Longitude	Br-to -from	Dist. (km)	Req. (km)
WKZW	LIC MIDWEST TELEVISION INCOR		227B	40	40-38-07	260.3	70.54	69
PEORIA	IL BLH-810206AI		93.3	168	89-32-19	79.7	1.538	CLOSE

Affiliated with WMBD(AM)

NEW APP U.S.A. DIGITAL RADIO, LP 228 6 40-06-26 147.5 83.89  
 URBANA IL 920810MF 93.5 41 88-11-12 327.9  
 Received per FCC release #15333 dated 08/21/92; EXPERIMENTAL FM STATION

## LIVINGSTON COUNTY BROADCASTERS, INC.

Page 3

PONTIAC, IL

March 25, 1993

## FM Spacing study

Title: CLASS A IN CHENOA RERUN  
 Channel 225A ( 92.9 MHz)  
 Database: FCC 01/26/93

Latitude: 40-44-42  
 Longitude: 88-43-00  
 Safety zone: 45 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
ALLOC			222A		40-43-32	268.5	71.65	31
Peoria	IL	DOC-84-231	92.3		89-33-52	88.0	40.65	CLEAR
Filing window 03/11-04/21/88 **CLOSED** ; # 58								
WBGE	CP	B & G Broadcasting Limit	222A	6	40-41-57	266.4	74.90	31
Peoria	IL	BMPH-920219IT	92.3	45	89-36-04	85.8	43.90	CLEAR
WKIO	CP	Tak Communications, Inc.	223B1	20DA	40-06-42	150.1	81.11	48
Urbana	IL	BPH-891030IC	92.5	112	88-14-26	330.4	33.11	CLEAR
From Channel 280A Per D86-252 DA: oddball ODD891030IC @ 0 deg								
ALLOC			223B1		40-01-42	149.6	92.15	48
Urbana	IL		92.5		88-10-10	330.0	44.15	CLEAR
Site Restricted-Effective 11-13-89-Rsvd for WKIO per D86-252								
WBWN	LIC	McLean County Broadcaste	224A	3	40-24-35	187.4	37.54	72
Le Roy	IL	BLH-790904AC	92.7	91	88-46-26	7.4	-34.5	SHORT
*To Channel 281B per D90-198								
ALLOC			224A		41-07-22	58.5	81.07	72
Kankakee	IL		92.7		87-53-35	239.0	9.065	CLOSE
Coordinates updated from LIC record BLH861007KB								
WLRT	LIC	Imagery, Inc.	224A	3	41-07-22	58.5	81.07	72
Kankakee	IL	BLH-861007KB	92.7	100	87-53-35	239.0	9.065	CLOSE
DOC-84-953								
WTJY	APC	USA Radio Partnership	224B1	11.5	39-38-38	209.2	139.9	96
Taylorville	IL	BPH-920929IC	92.7	147	89-30-51	28.7	43.86	CLEAR
From Channel 224A Per D90-510								
ALLOC			225A		40-06-47	119.2	142.0	115
Veederburg	IN	DOC-89-561	92.9		87-15-45	300.2	26.96	CLEAR
Filing window 11/17-12/17/90 **CLOSED** ; Effective 11-16-90								
WYDS	CP	WYDS, Inc.	226A	6DA	39-47-09	192.4	109.0	72
Decatur	IL	BMPH-920428IC	93.1	100	88-59-28	12.2	37.03	CLEAR
DA: oddball ODD920428IC @ 0 deg								
ALLOC			226A		39-47-09	192.4	109.0	72
Decatur	IL	DOC-84-231	93.1		88-59-28	12.2	37.03	CLEAR
Filing window 02/26-04/07/88 **CLOSED** ; # 57 - SITE RESTRICTED								
ALLOC			226B		41-53-56	35.1	157.5	113
Chicago	IL		93.1		87-37-23	215.8	44.50	CLEAR
Coordinates updated from LIC record BLH810930AF								



## LIVINGSTON COUNTY BROADCASTERS, INC.

Page 4

PONTIAC, IL

March 25, 1993

## FM Spacing study

Title: CLASS A IN CHENOA RERUN  
Channel 225A ( 92.9 MHz)

Latitude: 40-44-42  
Longitude: 88-43-00

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
WXRT	LIC	Windy City Broadcasting,	226B	6.70DA	41-53-56	35.1	157.5	113
Chicago	IL	BLH-810930AF	93.1	399	87-37-23	215.8	44.50	CLEAR
DA: oddball ODD800310AK @ 0 deg								
ALLOC			227B		40-38-07	260.3	70.54	69
Peoria	IL		93.3		89-32-19	79.7	1.538	CLOSE
Coordinates updated from LIC record			BLH810206AI					
WKZW	LIC	Midwest Television, Inc.	227B	41	40-38-07	260.3	70.54	69
Peoria	IL	DLH 010206AI	93.3	1200T	89-32-19	79.7	1.538	CLOSE
NEW	CP	U.S.A Digital Radio, L.P	228A	6	40-06-26	147.5	83.89	31
Urbana	IL		93.5	41	88-11-12	327.9	52.89	CLEAR
Experimental Operation								
ALLOC			278B		41-52-44	35.2	155.1	15
Chicago	IL		103.5		87-38-10	216.0	140.1	CLEAR
Coordinates updated from LIC record			BLH800103AB					
WDBR	LIC	Lake Shore Communication	279B	50	39-47-36	215.7	129.9	15
Springfield	IL	BLH-821122AI	103.7	91	89-36-18	35.2	114.9	CLEAR

&gt;&gt; End of channel 225A study &lt;&lt;

CERTIFICATE OF SERVICE

I, Denise Sullivan, a secretary to the law firm of Fisher, Wayland, Cooper and Leader, hereby certify that I have this 30th day of April, 1993, sent a copy of the foregoing "PETITION FOR RESOLUTION OF RULEMAKING" to the following:

\*Michael C. Ruger, Chief  
Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, N.W. Room 8322  
Washington, D.C. 20554

Frank R. Jazzo, Esq.  
Fletcher, Heald & Hildreth  
1300 North 17th Street  
11th Floor  
Rosslyn, Virginia 22209  
Counsel for McLean County Broadcasters, Inc.

Michael H. Bader, Esq.  
Haley, Bader & Potts  
4350 North Fairfax Dr.  
Suite 900  
Arlington, Virginia 22203  
Counsel for DMR Media, Inc.

  
\_\_\_\_\_  
Denise Sullivan

\*Hand Delivered